

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USDC Docket Number : 05-cv-10309

Stephen Gill, et al

v.

United States of America

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-20

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/9/2006.

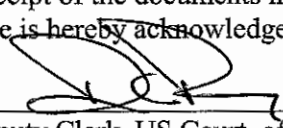
In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 27, 2006.

Sarah A Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/27/06.

  
\_\_\_\_\_  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-10309-MLW**

Gill v. United States of America  
Assigned to: Chief Judge Mark L. Wolf  
Cause: 28:1345 USA Plaintiff

Date Filed: 02/16/2005  
Jury Demand: None  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**Stephen Gill**

represented by **Kristen K.M. Materne**  
6 Dana Road  
Barrington, RI 02806  
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**Stephen D. Gill**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Michelle Gill**

represented by **Kristen K.M. Materne**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wendy Sibbison**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen D. Gill**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**United States of America**

represented by **Eugenia M. Carris**  
 United States Attorney's Office  
 John Joseph Moakley Federal  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/16/2005	<u>1</u>	COMPLAINT against United States of America Filing fee: \$ 250, receipt number 62183, filed by Michelle Gill, Stephen Gill. (Attachments: # <u>1</u> Civil Cover Sheet)(Boyce, Kathy) (Entered: 02/22/2005)
02/16/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to New Magistrate Judge (Boyce, Kathy) (Entered: 02/22/2005)

		02/22/2005)
02/16/2005	●	Summons Issued as to United States of America, U.S. Attorney and U.S. Attorney General (Boyce, Kathy) (Entered: 02/22/2005)
03/28/2005	●2	NOTICE of Appearance by Stephen D. Gill on behalf of all plaintiffs (Gill, Stephen) (Entered: 03/28/2005)
04/04/2005	●3	SUMMONS Returned Executed by Stephen Gill, Michelle Gill. United States of America served on 2/17/2005, answer due 4/18/2005. (Attachments: # <u>1</u> Affidavit of Return of Service with Copies of Summonses and Return Receipt Postage Cards as Exhibits A, B, and C thereto,)(Gill, Stephen) (Entered: 04/04/2005)
04/14/2005	●4	First MOTION for Extension of Time to May 18, 2005 to File Answer <i>or Otherwise Respond to Complaint</i> by United States of America.(Carris, Eugenia) (Entered: 04/14/2005)
04/18/2005	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>4</u> Motion for Extension of Time to Answer United States of America answer due 5/18/2005. (O'Leary, Dennis) (Entered: 04/18/2005)
05/17/2005	●5	MOTION for Extension of Time to May 23, 2005 to Respond to Complaint by United States of America.(Carris, Eugenia) (Entered: 05/17/2005)
05/18/2005	●6	APPLICATION for Writ of Clerk's Entry of Default Pursuant to Fed.R.Civ.P. 55(a) <i>Against Defendant</i> by Stephen Gill, Michelle Gill. (Attachments: # <u>1</u> Affidavit in Support of Plaintiffs' Application for Clerk's Entry of Default Pursuant to Fed.R.Civ.P. 55(a))(Gill, Stephen) (Entered: 05/18/2005)
05/20/2005	●7	MOTION to Dismiss <i>or in the Alternative for a Stay</i> by United States of America.(Carris, Eugenia) (Entered: 05/20/2005)
05/20/2005	●8	MEMORANDUM in Support re <u>7</u> MOTION to Dismiss <i>or in the Alternative for a Stay</i> filed by United States of America. (Attachments: # <u>1</u> Exhibit 1 to 3)(Carris, Eugenia) (Entered: 05/20/2005)
05/31/2005	●9	Assented to MOTION for Extension of Time to 07/05/2005 to File Response/Reply as to <u>7</u> MOTION to Dismiss <i>or in the Alternative for a Stay</i> , <u>8</u> Memorandum in Support of Motion <i>by Thirty (30) Days (with Incorporated Memorandum of Law)</i>



		by Stephen Gill, Michelle Gill.(Gill, Stephen) Additional attachment(s) added on 6/2/2005 (Boyce, Kathy). Modified on 6/2/2005 to add electronic signature to this document (Boyce, Kathy). (Entered: 05/31/2005)
06/02/2005	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time to File Response/Reply re <u>9</u> Assented to MOTION for Extension of Time to 07/05/2005 to File Response/Reply as to <u>7</u> MOTION to Dismiss <i>or in the Alternative for a Stay</i> , <u>8</u> Memorandum in Support of Motion by <i>Thirty (30) Days (with Incorporated Memorandum of Law)</i> (O'Leary, Dennis) (Entered: 06/02/2005)
06/02/2005	●	Notice of correction to docket made by Court staff. Correction: Document No. 9, Assented To Motion for Extension of Time corrected because: to add a signature to document as one was not previously submitted (Boyce, Kathy) Modified on 6/2/2005 (Boyce, Kathy). (Entered: 06/02/2005)
06/24/2005	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>5</u> Motion for Extension of Time (O'Leary, Dennis) (Entered: 06/24/2005)
06/24/2005	●	Judge Mark L. Wolf : Electronic ORDER entered. Denying re <u>6</u> Application for Writ, filed by Stephen Gill,, Michelle Gill, (O'Leary, Dennis) (Entered: 06/24/2005)
07/05/2005	● <u>10</u>	Opposition re <u>7</u> MOTION to Dismiss <i>or in the Alternative for a Stay</i> filed by Stephen Gill, Michelle Gill. (Gill, Stephen) (Entered: 07/05/2005)
07/05/2005	● <u>11</u>	AFFIDAVIT of Stephen D. Gill in Opposition re <u>7</u> MOTION to Dismiss <i>or in the Alternative for a Stay and in Support of Plaintiffs' Opposition thereto</i> filed by Stephen Gill, Michelle Gill. (Attachments: # <u>1</u> Exhibit Addendum #1 - Navy Parker Denial Leter# <u>2</u> Exhibit Addendum #2 - FedEx Proof of Delivery# <u>3</u> Exhibit Addendum #3 - OJAG Bldg. 33 Directory# <u>4</u> Exhibit Addendum #4 - JAG Directory Excerpt# <u>5</u> Exhibit Addendum #5 - People Talk 05-09)(Gill, Stephen) (Entered: 07/05/2005)
11/03/2005	● <u>12</u>	MOTION to Compel <i>Defendant to Confer Pursuant to Federal Rule of Civil Procedure 26(f) (with Incorporated Memorandum of Law)</i> by Stephen Gill, Michelle Gill. (Attachments: # <u>1</u> Exhibit A - AUSA Carris' Letter dated 9/13/2005)(GILL, STEPHEN) (Entered: 11/03/2005)

11/07/2005	<u>13</u>	Opposition re <u>12</u> MOTION to Compel <i>Defendant to Confer Pursuant to Federal Rule of Civil Procedure 26(f) (with Incorporated Memorandum of Law)</i> filed by United States of America. (Carris, Eugenia) (Entered: 11/07/2005)
12/01/2005	<u>14</u>	NOTICE by Stephen Gill, Michelle Gill <i>TO THE COURT OF PENDANCY OF ACTION FOR MORE THAN 120 DAYS WITHOUT A SCHEDULING CONFERENCE BEING CONVENED UNDER LR 16.1</i> (GILL, STEPHEN) (Entered: 12/01/2005)
01/09/2006	<u>15</u>	Judge Mark L. Wolf : MEMORANDUM & ORDER entered on defendant's motion to dismiss. DISMISSING CASE. 1. The United States' Motion to Dismiss or in the Alternative for a Stay (Docket No. 7) is ALLOWED. 2. This case is DISMISSED without prejudice to being reinstituted if the Secretary of Labor decides that the FECA does not cover the plaintiffs' claims. (O'Leary, Dennis) (Entered: 01/09/2006)
02/02/2006	<u>16</u>	MOTION to Reopen Case <i>and for Relief from Order Pursuant to Federal Rule of Civil Procedure 60 (with Incorporated Memorandum of Law)</i> by Stephen Gill, Michelle Gill. (Gill, Stephen) (Entered: 02/02/2006)
02/07/2006	<u>17</u>	Opposition re <u>16</u> MOTION to Reopen Case <i>and for Relief from Order Pursuant to Federal Rule of Civil Procedure 60 (with Incorporated Memorandum of Law)</i> filed by United States of America. (Carris, Eugenia) (Entered: 02/07/2006)
02/27/2006		Judge Mark L. Wolf : Electronic ORDER entered denying <u>16</u> Motion to Reopen Case. Essentially for the reasons stated in the United States' opposition, (docket no 17) this Motion is hereby DENIED. (O'Leary, Dennis) (Entered: 02/27/2006)
03/09/2006	<u>18</u>	NOTICE OF APPEAL as to Order on Motion to Reopen Case, <u>15</u> Order Dismissing Case, by Stephen Gill, Michelle Gill. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/29/2006. (Gill, Stephen) (Entered: 03/09/2006)
03/10/2006		USCA Appeal Fees received \$ 255 receipt number 70978 re <u>18</u> Notice of Appeal, filed by Stephen Gill,, Michelle Gill,

		(Boyce, Kathy) (Entered: 03/10/2006)
03/29/2006	19	NOTICE of Appearance by Wendy Sibbison on behalf of Stephen Gill, Michelle GillFILED, c/s.(Boyce, Kathy) (Entered: 04/03/2006)
04/10/2006	20	NOTICE of Appearance by Wendy Sibbison on behalf of all plaintiffs (Sibbison, Wendy) (Entered: 04/10/2006)